

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE VEECO INSTRUMENTS INC.
SECURITIES LITIGATION
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No. 7:05-MD-01695-CM-GAY

THIS DOCUMENT RELATES TO:
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AUGUST SCHUPP, III, derivatively on behalf
of VEECO INSTRUMENTS, INC.,

Plaintiff,

v.

EDWARD H. BRAUN, et al.,

Defendants.
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No. 7:05-CV-10225-CM

DAVID ALTMAN, derivatively on behalf
of VEECO INSTRUMENTS, INC.,

Plaintiff,

v.

EDWARD H. BRAUN, et al.,

Defendants.
-----X

No. 7:05-CV-10226-CM

**DECLARATION OF J. ROSS WALLIN IN OPPOSITION TO DERIVATIVE
PLAINTIFFS' MOTION TO EXTEND DISCOVERY DEADLINE**

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Attorneys for Defendants

January 12, 2007

J. ROSS WALLIN, pursuant to 28 U.S.C. § 1746, hereby declares:

1. I am an attorney with the law firm of Gibson, Dunn & Crutcher LLP, counsel to Defendants Edward H. Braun, Peter J. Simone, Richard J. D'Amore, Joel A. Elftmann, Heinz K. Fridrich, Douglas A. Kingsley, Paul R. Low, Roger D. McDaniel, Irwin H. Pfister, Walter J. Scherr, and Nominal Defendant Veeco Instruments Inc. ("Veeco").
2. Defendants have produced approximately 181,000 pages of documents to Derivative Plaintiffs in this case. Approximately 174,000 of those documents were produced on or before August 23, 2006.
3. A mediation was held in this case on October 11-12, 2006.
4. All but approximately 2,750 of the total 181,000 pages of documents were produced prior to the mediation. Those remaining 2,750 pages were produced in parts on October 26, December 1, and December 12, 2006.
5. Attached hereto as Exhibit A is a true and correct copy of Conditional Transfer Order, issued by the Judicial Panel on Multidistrict Litigation, dated November 14, 2005.
6. Attached hereto as Exhibit B is a true and correct copy of Joint Stipulation and [Proposed] Order to Revise Pretrial Schedule, signed by the parties on July 27, 2006, and ordered by the Court on July 28, 2006.
7. Attached hereto as Exhibit C is a true and correct copy of Derivative Plaintiffs' Notice of Taking Depositions, dated December 11, 2006.
8. Attached hereto as Exhibit D is a true and correct copy of Transfer Order, issued by the Judicial Panel on Multidistrict Litigation, dated August 22, 2005.

I declare under penalty of perjury that the foregoing is true and correct. Executed this
12th day of January 2007.

A handwritten signature in black ink, appearing to read "J. Ross Wallin", is written above a horizontal line.

J. Ross Wallin